

MB Docket  
07-42



FILED/ACCEPTED

DEC 27 2007

November 16, 2007

MAYOR ROBERT CLUCK

Federal Communications Commission  
Office of the Secretary

Honorable Kevin Martin  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Room: 8-B201  
Washington DC, 20554

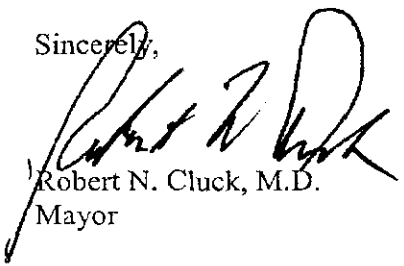
Dear Chairman Martin:

I am writing regarding the FCC's MB Docket 07-42 on independent programming for cable television. As mayor of the soon be home to America's Football Team, the Dallas Cowboys, it is my hope that the FCC will take action to protect consumers from unfair practices by large cable companies who promote channels they own over programming by independent providers.

Independent programming channels, such as Oxygen and the NFL Network face discrimination from big cable companies that own channels of their own, and it is cable customers who lose in these situations. While my constituents will not be blocked from seeing the two late-season Cowboy games on the NFL Network, fans outside this market will.

I am also told that the FCC has solved similar issues through an arbitration process. In this instance (Comcast and the Mid-Atlantic Sports Network (MASN) in the Washington, DC area in 2005) the FCC's decision to appoint an arbitrator to settle the dispute caused the parties to reach a negotiated solution. I urge the FCC to consider rules to facilitate appointment of an arbitrator in disputes like the one involving the NFL Network, so they can be resolved more quickly (preferably through negotiation between the parties) and with consumers' interests foremost in mind. If such a mechanism were in place, it might help persuade the cable companies to negotiate a carriage deal with NFL Network before Texans are deprived of the NFL Network game telecasts that begin this season on Thanksgiving night.

Sincerely,



Robert N. Cluck, M.D.  
Mayor

Cc: Commissioner Michael J. Copps  
Commissioner Jonathan S. Adelstein  
Commissioner Deborah Taylor Tate  
Commissioner Robert M. McDowell

*MB Docket 07-42***City of Grand Prairie  
Mayor's Office****facsimile transmittal****FILED/ACCEPTED****DEC 27 2007**Federal Communications Commission  
Office of the Secretary

**To:** Chairman Kevin Martin **Fax:** 866-418-0232

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**From:** Mayor Charles England **Date:** 11/19/2007

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**Re:** MB Docket 07-42 **Pages:** 3

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**CC:**

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☐ Urgent    ☐ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

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MB Docket 07-42: NFL Network and Other Independent Programmers

Please let me know if you need additional information.

Pat Marcum  
Executive Secretary to the  
Mayor and City Manager  
972-237-8012  
972-237-8088 fax



November 12, 2007

Mr. Kevin Martin  
Chairman, Federal Communications Commission  
445 12<sup>th</sup> Street SW:  
Room: 8-B201  
Washington, DC 20554

Re: **MB Docket 07-42: NFL Network and Other Independent Programmers**

Dear Chairman Martin:

I am writing to follow up on an issue that was brought to my attention regarding cable systems in Texas that are refusing to carry NFL Network. As the mayor of Grand Prairie, Texas, I feel it is my duty to stand up for consumers in the wake of Texas cable companies' refusal to offer quality independent programming. I am asking that the FCC stand on the side of consumers when you consider program carriage issues as they relate to independent and diverse channels such as the NFL Network.

I turn to you since I understand that the FCC has opened a rulemaking proceeding (MB Docket 07-42) to consider program carriage issues such as these – particularly as they relate to independent and diverse channels.

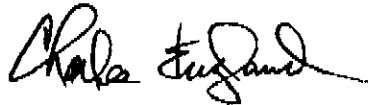
I have seen a number of recent press stories noting that -- just like NFL Network and other independent sports channels -- non-sports independent channels face discrimination from big cable companies that own channels of their own, and that some independent channels like the Oxygen Network are choosing to sell themselves to large media holding companies rather than to try to continue as stand-alone businesses. It is not a good trend since this increasing concentration will reduce media diversity and consumer choice.

I also note that in connection with another high-profile sports channel carriage dispute – the one between Comcast and the Mid-Atlantic Sports Network (MASN) in the Washington, DC area in 2005 – the FCC's decision to appoint an arbitrator to settle the dispute caused the parties to reach a negotiated solution. I would urge the FCC to consider changing its rules to facilitate appointment of an arbitrator in disputes like the one involving the NFL Network, so they can be resolved more quickly (preferably through negotiation between the parties) and with consumers' interests foremost in mind. If such a mechanism were in place, it might help persuade the cable companies to negotiate a

carriage deal with NFL Network before my constituents are deprived of the NFL Network game telecasts that begin this season on Thanksgiving night.

Thank you for reviewing these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles V. England". The signature is fluid and cursive, with the first name "Charles" being more prominent.

Charles V. England  
Mayor

cc: Commissioner Michael J. Copps  
Commissioner Jonathan S. Adelstein  
Commissioner Deborah Taylor Tate  
Commissioner Robert M. McDowell

MB Docket 07-42



November 8, 2007

Mr. Kevin Martin  
Chairman, Federal Communications Commission  
445 12th Street SW:  
Room: 8-B201  
Washington, DC 20554

FILED/ACCEPTED

DEC 27 2007

Federal Communications Commission  
Office of the Secretary

Subject: FCC's rulemaking proceeding (MB Docket 07-42)

Dear Chairman Martin:

As devoted San Antonio residents and dedicated NFL fans, we were pleased to hear the Federal Communications Commission is looking into several issues concerning cable television programming. Practices by certain Texas cable providers give preferential treatment to channels they own – in essence discriminating against independently-owned programming like the NFL Network – which has affected a large part of the San Antonio community. The Dallas Cowboys summer training camp is held here and our community enjoys their presence. Nearly 150,000 people came out to the training camp this year and our community's per capita support of America's team rivals that of the Cowboys homebase in the Dallas/Ft. Worth metroplex.

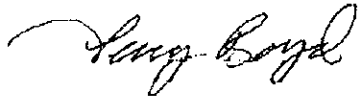
We are writing to you as you are considering program carriage issues affecting independent and diverse programming (MB Docket 07-42), an important step toward ensuring equitable programming practices on the part of cable companies. For there to be true competitive access in programming, consumer demand must take precedence over corporate profits. We hope you will consider changing FCC rules to facilitate appointment of an arbitrator to help resolve disputes among cable companies and independent channels like NFL Network.

San Antonio area fans would be deeply disappointed if two key late-season telecasts were unavailable to hundreds of thousands of San Antonians and millions of Cowboys fans nationwide. Unless there is a resolution between the cable companies and the NFL Network in the near future, many fans will miss Cowboys games against the Green Bay Packers and Carolina Panthers later this year, as well as a Houston Texans game against the Denver Broncos. An arbitration mechanism might help facilitate a deal which could avoid this unwanted circumstance.

By copy of this letter, we are also appealing to Texas' Public Utility Commission to make every effort to protect the consumer as the state transitions from local cable franchises to a state-wide franchise under the Public Utility Regulatory Act of 2007.

Sincerely,

Members of Football 24.7 Texas Steering Committee – San Antonio:



Terry Boyd  
QA Manager, Air Force Institute for Operational Health



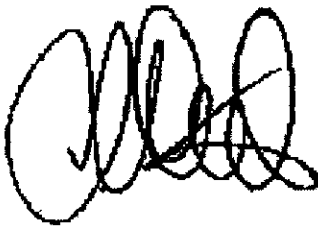
Carlos Contreras  
Director of Local Government Affairs, KB Home



Blakely Fernandez  
Attorney, Tuggey, Rosenthal, Pauerstein, Sandoloski, Agather, LLP



Terrell McCombs  
Vice President, McCombs Enterprises



Mike Yantis, Jr.  
President and COO, Yantis Company

Cc:  
Federal Communications Commission Members  
Texas Public Utility Commissioners

MB Docket 07-42

# Fax

FILED/ACCEPTED

DEC 27 2007

Federal Communications Commission  
Office of the Secretary

**To:** FCC Chairman Kevin Martin

**From:** Mayor Jim Baum

**Fax:** 18664180232

**Pages:** 4

**Re:** City Council Resolution and Letter to the  
FCC

**Date:** 11/16/2007

**Urgent**

**For Review**

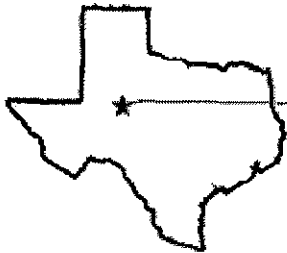
**Please  
Comment**

**Please Reply**

**For  
Information**

• **Comments:**

In reference to MB Docket 07-42



## City of Colorado City

P O Box 912  
Colorado City, Texas 79512  
325-728-3464  
Fax: 325-728-2597

TO: Kevin J. Martin, FCC Chairman  
FROM: Mayor, Jim Baum  
DATE: November 7, 2007  
RE: The City of Colorado City Council Resolution urging Time Warner Cable to negotiate a solution for the NFL Network

Dear Chairman Martin:

I have attached to this letter a City of Colorado City Council a Resolution that passed on November 13, 2007. We feel that devoted football fans in the City of Colorado City deserve access to year-round football programming. Providers such as Direct TV, DISH, and AT&T U-Verse have all agreed to carry the NFL Network on basic tier programming; Time Warner Cable, however, has been offered the same fee structure as the aforementioned carriers, but still refuses to carry the NFL Network.

Time Warner Cable is the single largest cable provider in the state of Texas, and its presence in the City of Colorado City is, likewise, substantial. We therefore would urge you to carefully review and consider this resolution, as we feel it represents the views of a large proportion of our residents.

Please respond to me as soon as you can. I can be reached at 325-728-3464. Thank you in advance for your time.

Sincerely,

Jim Baum  
Mayor

City of Colorado City of Colorado City

cc: Texas Governor Rick Perry;  
Texas Lt. Governor David Dewhurst;  
Texas Atty. General Greg Abbott;  
Texas State Sen. Robert Duncan;  
Texas State Rep. Drew Darby;

*Texas Mainstreet City*



**RESOLUTION 2007 – 12**

**CITY OF COLORADO CITY RESOLUTION URGING TIME WARNER CABLE COMPANY TO NEGOTIATE A SOLUTION FOR THE NFL NETWORK**

**WHEREAS**, the National Football League is the most popular sports entertainment programming in the nation, with more than 100 million Americans tuning into an NFL game each week; and

**WHEREAS**, an estimated 70 percent of team fans nationwide live outside their team's home media market; with hundreds of thousands of (Dallas Cowboys or Houston Texans depending on market) fans supporting their team throughout Texas and across the county; and

**WHEREAS**, a dispute between cable television providers and the NFL Network prevented fans outside the home team market from viewing a key Dallas Cowboys game last season, and that ongoing dispute endangers the Cowboys viewership in our local television market for games this fall with the Green Bay Packers and Carolina Panthers, as well as a Houston Texans game with the Denver Broncos; and

**WHEREAS**, the cost of carrying the NFL Network is two cents per day per subscriber, making it a tremendous value; and

**WHEREAS**, Time Warner and other cable companies have thus far refused to offer the NFL Network as part of its basic package, but instead wish to charge each subscribers at least five times as much, between \$5 and \$10 per month as part of a sports tier package, and

**WHEREAS**, the NFL Network not only offers eight games this season, but other popular year-round programming, plus two college football bowl games that may feature Texas teams from the Big 12 Conference and Conference USA; now, therefore, be it

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLORADO CITY, MITCHELL COUNTY, STATE OF TEXAS, THAT:**

**Section 1.** The Mayor and Council of the City of Colorado City hereby respectfully urge Time Warner Cable to negotiate a solution with the NFL Network in time for the late-season games being carried by the network for the benefit of the fans.

**Section 2.** If the private corporations are unable to resolve this matter to the benefit of the fans, that the Legislature, the Public Utility Commission of Texas and

Appropriate federal regulatory authorities intervene and resolve this matter for the good of interested viewers.

**Section 3.** We feel that devoted football fans in the City of Colorado City deserve access to year-round football programming. Providers such as Direct TV, DISH, and AT&T U-Verse have all agreed to carry the NFL Network on basic tier programming; Time Warner Cable, however, has been offered the same fee structure as the aforementioned carriers, but still refuses to carry the NFL Network. Time Warner Cable is the single largest cable provider in the state of Texas, and its presence in the City of Colorado City is, likewise, substantial.

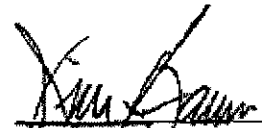
**Section 4.** This resolution and the actions encouraged in it are important to the quality of life of the citizens of the City of Colorado City.

**WHEREFORE,** this Resolution shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

**PASSED AND APPROVED** at a meeting of the City Council of the City of Colorado City, Texas, on the 13th day of November, 2007.

ATTEST:

  
Donna Madrid, City Secretary

  
Jim Baum, Mayor

*MB Docket 07-42*

Charlie Atkinson  
Mayor Pro-Tem  
City of Brownsville



FILED/ACCEPTED

DEC 27 2007

Federal Communications Commission  
Office of the Secretary

November 20, 2007

Mr. Kevin Martin  
Chairman, Federal Communications Commission  
445 12<sup>th</sup> Street SW:  
Room: 8-B201  
Washington, DC 20554

**Re: MB Docket 07-42: NFL Network and Other Independent Programmers**

Dear Chairman Martin:

I am writing to follow up on an issue that was brought to my attention regarding cable systems in Texas that are refusing to carry NFL Network. As the mayor of [City], Texas, I feel it is my duty to stand up for consumers in the wake of Texas cable companies' refusal to offer quality independent programming. I am asking that the FCC stand on the side of consumers when you consider program carriage issues as they relate to independent and diverse channels such as the NFL Network.

I turn to you since I understand that the FCC has opened a rulemaking proceeding (MB Docket 07-42) to consider program carriage issues such as these – particularly as they relate to independent and diverse channels.

I have seen a number of recent press stories noting that -- just like NFL Network and other independent sports channels -- non-sports independent channels face discrimination from big cable companies that own channels of their own, and that some independent channels like the Oxygen Network are choosing to sell themselves to large media holding companies rather than to try to continue as stand-alone businesses. It is not a good trend since this increasing concentration will reduce media diversity and consumer choice.

I also note that in connection with another high-profile sports channel carriage dispute – the one between Comcast and the Mid-Atlantic Sports Network (MASN) in the Washington, DC area in 2005 – the FCC's decision to appoint an arbitrator to settle the dispute caused the parties to reach a negotiated solution.

**City of Brownsville**

P.O. Box 911 / City Hall / 1001 E. Elizabeth St. / Brownsville, Texas 78522  
(956) 548-6000

www.cob.us

"EQUAL OPPORTUNITY EMPLOYER"

Page 2

November 20, 2007

I would urge the FCC to consider changing its rules to facilitate appointment of an arbitrator in disputes like the one involving the NFL Network, so they can be resolved more quickly (preferably through negotiation between the parties) and with consumers' interests foremost in mind. If such a mechanism were in place, it might help persuade the cable companies to negotiate a carriage deal with NFL Network before my constituents are deprived of the NFL Network game telecasts that begin this season on Thanksgiving night.

Thank you for reviewing these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Charlie Atkinson". The signature is fluid and cursive, with the first name "Charlie" and last name "Atkinson" clearly distinguishable.

Charlie Atkinson  
Mayor Pro-Tem  
City of Brownsville

cc: Commissioner Michael J. Copps  
Commissioner Jonathan S. Adelstein  
Commissioner Deborah Taylor Tate  
Commissioner Robert M. McDowell

*MB Docket 07-42*

FILED/ACCEPTED  
DEC 27 2007  
Federal Communications Commission  
Office of the Secretary

# Fax

**To:** Chairman Kevin Martin**From:** City of Brownsville**Fax:** 18664180232**Pages:** 5**Re:** Upcoming FCC Hearing**Date:** 11/20/2007**Urgent****For Review****Please  
Comment****Please Reply****For  
Information****• Comments:**

In reference to upcoming FCC hearing, MB Docket 07-42

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*Carlos A. Cisneros  
Commissioner  
City of Brownsville*



November 20, 2007

Mr. Kevin Martin  
Chairman, Federal Communications Commission  
445 12<sup>th</sup> Street SW:  
Room: 8-B201  
Washington, DC 20554

**Re: MB Docket 07-42: NFL Network and Other Independent Programmers**

Dear Chairman Martin:

I am writing to follow up on an issue that was brought to my attention regarding cable systems in Texas that are refusing to carry NFL Network. As the mayor of [City], Texas, I feel it is my duty to stand up for consumers in the wake of Texas cable companies' refusal to offer quality independent programming. I am asking that the FCC stand on the side of consumers when you consider program carriage issues as they relate to independent and diverse channels such as the NFL Network.

I turn to you since I understand that the FCC has opened a rulemaking proceeding (MB Docket 07-42) to consider program carriage issues such as these – particularly as they relate to independent and diverse channels.

I have seen a number of recent press stories noting that -- just like NFL Network and other independent sports channels -- non-sports independent channels face discrimination from big cable companies that own channels of their own, and that some independent channels like the Oxygen Network are choosing to sell themselves to large media holding companies rather than to try to continue as stand-alone businesses. It is not a good trend since this increasing concentration will reduce media diversity and consumer choice.

I also note that in connection with another high-profile sports channel carriage dispute – the one between Comcast and the Mid-Atlantic Sports Network (MASN) in the Washington, DC area in 2005 – the FCC's decision to appoint an arbitrator to settle the dispute caused the parties to reach a negotiated solution.

**City of Brownsville**

P.O. Box 911 / City Hall / 1001 E. Elizabeth St. / Brownsville, Texas 78522

(956) 548-6000

[www.cob.us](http://www.cob.us)

EQUAL OPPORTUNITY EMPLOYER

Page 2

November 20, 2007

I would urge the FCC to consider changing its rules to facilitate appointment of an arbitrator in disputes like the one involving the NFL Network, so they can be resolved more quickly (preferably through negotiation between the parties) and with consumers' interests foremost in mind. If such a mechanism were in place, it might help persuade the cable companies to negotiate a carriage deal with NFL Network before my constituents are deprived of the NFL Network game telecasts that begin this season on Thanksgiving night.

Thank you for reviewing these matters.

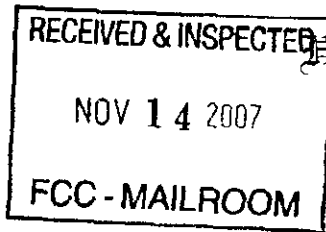
Sincerely,



Carlos A. Cisneros  
Commissioner  
City of Brownsville

cc: Commissioner Michael J. Copps  
Commissioner Jonathan S. Adelstein  
Commissioner Deborah Taylor Tate  
Commissioner Robert M. McDowell

MB Docket 07-42



State of Texas  
House of Representatives



VALINDA BOLTON  
DISTRICT 47

FILED/ACCEPTED

DEC 27 2007

Federal Communications Commission  
Office of the Secretary

Mr. Kevin Martin  
Chairman, Federal Communications Commission  
FCC Commissioners  
445 12th Street SW:  
Room: 8-B201  
Washington, DC 20554

November 7, 2007

Dear Chairman Martin and Commissioners:

After receiving numerous inquiries from my constituents, I respectfully request that the Federal Communications Commission assist in resolving the current dispute between cable operators and the NFL Network. It is my understanding the Federal Communications Commission could take up this issue in the coming weeks. It appears as if the only way this issue will be resolved for consumers and football fans is if an independent neutral arbitrator is appointed to bring the stakeholders together.

While it is not my desire to take sides in the dispute between the cable companies and the NFL Network, it is my desire to side with the football fans and consumers of Texas who have demonstrated a strong affinity for not only professional football, but also college football.

Nothing rates as high as Dallas Cowboys games in Texas as far as television programming is concerned. Unfortunately, millions of football fans across Texas are about to be deeply disappointed when they are forced to miss eight key NFL games that will be broadcasted on the NFL Network. Unless there is a resolution between the cable companies and the NFL Network in the near future, fans across the state will either have to miss Cowboys games against the Green Bay Packers and Carolina Panthers and a late-season game between the Houston Texans and Denver Broncos, or they will have to make a switch to a different video provider if one is available.

College fans will also miss the Insight and Texas Bowls which are also carried by the NFL Network. These two bowls have significant ties to the Big 12 Conference and Conference USA making it more than likely that one, or both, teams playing could hail from the Lonestar State. These games have provided Texas football fans with exciting outcomes in recent years. In fact, Texas Tech University staged the largest come from behind victory in college bowl history in last year's Insight Bowl.



For there to be true competitive access in cable programming, consumer demand must take precedence over corporate profits. I respectfully ask that you side with the fans and consumers on this issue and assign a neutral arbitrator to settle this dispute as soon as possible - and certainly before the first of such games are scheduled to be played at the end of this month. It is clear from the television ratings that an overwhelming number of viewers enjoy watching professional games. Unfortunately, the millions of consumers and fans involved in this dispute are being held hostage while the corporate interests fight with one another. Please help put an end to this stalemate by bringing the parties together.

While I understand that primary jurisdiction on cable issues resides with the Federal Government, by copy of this letter, I am also appealing to our own Public Utility Commission to make every effort to protect the consumer as it transitions from local cable franchises to our recently enacted state-wide franchise system. Thank you in advance for your thoughtful consideration of this important consumer choice issue.

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Sincerely,

A handwritten signature in cursive script that reads "Valinda Bolton". The signature is fluid and elegant, with the first name "Valinda" being more prominent than the last name "Bolton".

Representative Valinda Bolton

Cc: Public Utility Commissioners

## TEXAS HOUSE OF REPRESENTATIVES

CAPITOL OFFICE:  
P.O. BOX 2910  
AUSTIN, TEXAS 78768-2910  
512-463-0740  
EMAIL: LON.BURNAM@HOUSE.STATE.TX.US



DISTRICT OFFICE:  
1067 MAGNOLIA  
FORT WORTH, TEXAS 76104  
817-924-1997

LON BURNAM  
DISTRICT 90 • FORT WORTH

## FAX COVER SHEET

FILED/ACCEPTED

DEC 27 2007

Federal Communications Commission  
Office of the SecretaryDATE: 11/12/07 Number of Pages (including this cover sheet): 2TO: Chairman Kevin Martin, FCCFAX No.: 1-866-418-0232FROM: Office of State Representative Lon Burnam

NOTES:

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## TEXAS HOUSE OF REPRESENTATIVES

CAPITOL BUILDING  
P.O. BOX 5050  
AUSTIN, TEXAS 78768-2910  
512-463-1234  
LMB@HOUSE.STATE.TX.US



DISTRICT OFFICE:  
1305 W. MAGNOLIA, SUITE C  
FORT WORTH, TEXAS 76104  
817-924-1997

LON BURNAM

DISTRICT 90 • FORT WORTH

Kevin Martin  
Chairman, Federal Communications Commission  
1215 G Street SW  
Room 8-B201  
Washington, DC 20554  
by fax and mail]

November 12, 2007

Dear Chairman Martin and Commissioners:

I have received correspondence from constituents asking for my help in regards to the dispute between some cable operators and the NFL Network. I understand that the FCC has opened a remaking proceeding (MB Docket 07-42) to consider program carriage issues such as these - particularly as they relate to independent and diverse channels. The Texas Legislature only meets every two years and will not meet again until after the 2008 football season has concluded so any legislative remedy is impossible. Therefore, I am writing to respectfully ask the Commission to assist in resolving the current dispute.

I believe that if a resolution cannot be achieved in the next few days, an independent neutral arbitrator should be appointed to bring the stakeholders together. I do not wish to take sides in this matter. I only ask that a third party be brought in with the power to resolve the issue so that my constituents and football fans throughout Texas will be able to see the games carried by the NFL network. Of course, the two Cowboys games that will air on the network this season are the primary concern for my constituents in Fort Worth.

Finally, I respectfully ask that you take action to encourage a resolution of this dispute quickly. I understand that this is a federal issue, but I am copying the Texas Public Utility Commission to inform them of my concern.

Thank you for your attention to this matter.

Sincerely,

Lon Burnam

cc: Texas Public Utility Commissioners

COMMITTEES: AGRICULTURE &amp; LIVESTOCK • LAW ENFORCEMENT

RECEIVED BY: [illegible]

*MB Docket 07-42*



**CITY OF McCAMEY  
P. O. BOX 1409  
McCAMEY, TEXAS 79752**

*Wind Energy Capital of Texas*

**FILED/ACCEPTED**

**DEC 27 2007**

Federal Communications Commission  
Office of the Secretary

**Phone: 432-652-3333**

**Fax: 432-652-3225**

**FAX**

**TO: FCC Attn: Chairman Martin  
FAX # 1-866-418-0232**

**FROM: Lou Ann Watson  
City Secretary  
City of McCamey  
(432) 652-3333  
Fax (432) 652-3224**

**Date: November 20, 2007**

**Subject: NFL Network Issues Total Pages: 3**

**Thanks,**

**LAW**



**CITY OF McCAMEY  
P. O. BOX 1409  
McCAMEY, TEXAS 79752**

**Phone: 432-652-3333**

**Fax: 432-652-3225**

*Wind Energy Capital of Texas*

November 14, 2007

Mr. Kevin Martin  
Chairman, Federal Communications Commission  
445 12<sup>th</sup> Street SW:  
Room: 8-B201  
Washington, DC 20554

**Re: MB Docket 07-42: NFL Network and Other Independent Programmers**

Dear Chairman Martin:

I am writing to follow up on an issue that was brought to my attention regarding cable systems in Texas that are refusing to carry NFL Network. As the mayor of McCamey, Texas, I feel it is my duty to stand up for consumers in the wake of Texas cable companies' refusal to offer quality independent programming. I am asking that the FCC stand on the side of consumers when you consider program carriage issues as they relate to independent and diverse channels such as the NFL Network.

I turn to you since I understand that the FCC has opened a rulemaking proceeding (MB Docket 07-42) to consider program carriage issues such as these – particularly as they relate to independent and diverse channels.

I have seen a number of recent press stories noting that – just like NFL Network and other independent sports channels – non-sports independent channels face discrimination from big cable companies that own channels of their own, and that some independent channels like the Oxygen Network are choosing to sell themselves to large media holding companies rather than to try to continue as stand-alone businesses. It is not a good trend since this increasing concentration will reduce media diversity and consumer choice.

I also note that in connection with another high-profile sports channel carriage dispute – the one between Comcast and the Mid-Atlantic Sports Network (MASN) in the Washington, DC area in 2005 – the FCC's decision to appoint an arbitrator to settle the dispute caused the parties to reach a negotiated solution. I would urge the FCC to consider changing its rules to facilitate appointment of an arbitrator in disputes like the one involving the NFL Network, so they can be resolved more quickly (preferably through negotiation between the parties) and with consumers' interests foremost in mind. If such a mechanism were in place, it might help persuade the cable companies to negotiate a carriage deal with NFL Network before my

Page 2

Mr. Kevin Martin, Chairman, FCC

November 14, 2007

constituents are deprived of the NFL Network game telecasts that begin this season on Thanksgiving night.

Thank you for reviewing these matters.

Sincerely,

A handwritten signature in black ink that reads "Sherry Phillips". The signature is written in a cursive, flowing style.

Sherry Phillips

Mayor of McCamey, Texas

Cc: Commissioner Michael J. Copps  
Commissioner Jonathan S. Adelstein  
Commissioner Deborah Taylor Tate  
Commissioner Robert M. McDowell